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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,817	11/17/2003	Masahiko Harumoto	026531-007700US	5197
20350 TOWNSEND	7590 05/31/2007 NSEND AND TOWNSEND AND CREW, LLP		EXAMINER	
TWO EMBAR	CADERO CENTER		KOCH, GEORGE R	
EIGHTH FLOO SAN FRANCI	OR SCO, CA 94111-3834		ART UNIT	PAPER NUMBER
,		1734		
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			MAIL DATE	DELIVERY MODE
			05/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)			
	10/715,817	HARUMOTO ET AL			
Office Action Summary	Examiner	Art Unit			
	George R. Koch III	1734			
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DOWN THE MAILING DOWN THE MAILING DOWN THE MAILING DOWN THE MAILING THE MAILING THE METERS OF THE MAILING THE MAILING THE METERS OF THE	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from to cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).			
Status .					
1)⊠ Responsive to communication(s) filed on <u>17 Ju</u>	Responsive to communication(s) filed on <u>17 July 2006</u> .				
2a) ☐ This action is FINAL . 2b) ☑ This	This action is FINAL . 2b)⊠ This action is non-final.				
Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
4) Claim(s) 1-50 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) 30-50 is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/or election requirement.					
Application Papers					
 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. 					
Priority under 35 U.S.C. § 119					
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 					
Attachment(s) 1) M Notice of References Cited (PTO-892)	4) 🔲 Interview Summary	(PTO-413)			
Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 111105 1771	Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate			

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 30-50 in the reply filed on 7/17/2006 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 30-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Deguchi (US Patent 6,281,145).

With respect to independent claims 30, 31, 36, 41, and 46, applicant's claims invoke 35 USC 112, 6th paragraph. A review of the specification suggests that the various switching/selecting/type selecting means are operator inputs that are manually entered by the operator (see, for example, Step T1 on page 32, lines 10-16), and that the various correlation means are a controller with a series of developing solution application times which are based on a known correlation to the developing or photoresist solution selected (see pages 33-34, step T4, which shows options A, B, C, etc, which results in the selection of an optimal developing time in step T6). Various factors are taken into account, such as dissolving rate and diffusion factors.

Deguchi discloses a developing system. It includes numerous possible application solutions (see Figure 5, item 51, resist solutions AAA, BBB, CCC, and DDD), and these solutions are correlated to ideal times or rates (shown in the symbols in Figure 5, item 51).

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Deguchi also discloses a selection element (item 5, see the discussion in column 5 and 6).

Furthermore, Deguchi recognizes that one can change the operating conditions on the basis of the variables (see column 8, lines 60-67), and is considered capable of implementing the claimed variables.

With respect to dependent claims 32-35, 37-39, 42-45, and 47-50, the apparatus of Deguchi is capable of coating the claimed coating solution, pattern size or pattern form. The apparatus of Deguchi includes correlations for different coating solutions and process variables.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can also be reached by E-mail at george.koch@uspto.gov in accordance with MPEP 502.03. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

George R. Koch III Primary Examiner Art Unit 1734

GRK 5/28/2007